

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-11193-NG

SHAWN DRUMGOLD,  
Plaintiff

v.

TIMOTHY CALLAHAN, FRANCIS M. ROACHE,  
PAUL MURPHY, RICHARD WALSH, and THE  
CITY OF BOSTON,  
Defendants

---

**JOHN DALEY’S REQUEST TO SEAL PLEADINGS**

---

Now comes retired Boston Police Lt. Det. John Daley (“Lt. Daley”), a third party witness in the above-referenced action, and hereby files this request to seal pleadings filed in the above-entitled case that contain references to his personal diary or confidential deposition testimony.

**FACTUAL BACKGROUND**

During the court proceedings on March 6, 2007, this Court determined and confirmed that the contents of Mr. Daley’s personal diary, produced to the parties pursuant to the Protective Order in this case, was confidential in nature, and was not to be publicly disclosed to parties other than those who had signed the Protective Order in this case.<sup>1</sup> Mass. Gen. L. c. 4, § 7, clause 26. Thereafter, Plaintiff’s counsel informed this Court that Plaintiff’s Motion to Produce Notes of John Daley and to Conduct In Camera Review (“Motion”) included copies of Lt. Daley’s diary, and stated that the Motion should therefore be sealed, to which

---

<sup>1</sup> Defendants filed a Joint Response to Plaintiff’s Motion to Reaffirm Protective Order and Request for Clarification requesting that the Lt. Daley’s diary be sealed. Document # 82.

this Court and all counsel agreed. See Document # 83. Because the only means by which Lt. Daley could rebut the allegations made by Plaintiff in his Motion were to make generalized references to the contents of his diary or deposition testimony, Lt. Daley's response to Plaintiff's motion cited this information. See Document # 85. Lt. Daley therefore requests, in accordance with the decision of this Court and to preserve the confidential nature of the information contained in Lt. Daley's diary or testimony given at his deposition, that Lt. Daley's response to Plaintiff's motion also be sealed.

### **CONCLUSION**

Wherefore, Lt. Daley, respectfully requests this Honorable Court seal the following pleadings:

1. Plaintiff's Motion to Produce Notes of John Daley and to Conduct In Camera Review (Document # 83); and
2. John Daley's Response to Plaintiff's Motion to Produce Notes of John Daley and to Conduct In Camera Review (Document # 85),

### **Rule 7.1 Certification**

Counsel for Lt. Daley did not attempt to confer with counsel for the parties on this matter as this Request to Seal Pleadings is (1) based upon the determination made by this Court on March 6, 2007 as to the confidential nature of the information herein requested to be sealed, and (2) sealing of Plaintiff's Motion was offered and stipulated to by counsel for the Plaintiff.

Respectfully submitted,  
**JOHN DALEY**  
By his attorney,

/s/ Eve A. Piemonte Stacey  
Eve A. Piemonte Stacey – BBO# 628883  
ROACH & CARPENTER, P.C.  
24 School Street  
Boston, Massachusetts 02108  
(617) 720-1800

Dated: March 8, 2007

**CERTIFICATE OF SERVICE**

I, Eve Piemonte Stacey, hereby certify that this document was filed through the ECF system on March 5, 2007, and that a true paper copy of this document will be sent to those indicated as non registered participants on the Notice of Electronic Filing on March 8, 2007 by first class mail.

/s/ Eve A. Piemonte Stacey